

Brian E. Pastuszewski (*pro hac vice*)
bpastuszewski@goodwinprocter.com
Inez H. Friedman-Boyce (*pro hac vice*)
ifriedmanboyce@goodwinprocter.com
Brian C. Devine (State Bar No. 222240)
bdevine@goodwinprocter.com
Daniel P. Roeser (*pro hac pending*)
droeser@goodwinprocter.com
GOODWIN PROCTER LLP
53 State Street
Boston, Massachusetts 02109
Telephone: 617-570-1000
Facsimile: 617-523-1231

Lloyd Winawer (State Bar No. 157823)
lwinawer@goodwinprocter.com
GOODWIN PROCTER LLP
601 South Figueroa Street, 41st Floor
Los Angeles, California 90017
Telephone: 213-426-2500
Facsimile: 213-623-1673

Attorneys for Defendants
Countrywide Financial Corporation; Countrywide
Home Loans, Inc.; Countrywide Home Loans Servicing
LP; Countrywide Capital Markets, LLC; Countrywide
Securities Corporation; CWALT, Inc.; CWABS, Inc.,
CWHEQ, Inc., CWMBS, Inc., and N. Joshua Adler

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

In re COUNTRYWIDE FINANCIAL
CORP. MORTGAGE-BACKED
SECURITIES LITIGATION CASES

Case No. 11-ML-02265-MRP (MANx)

**[PROPOSED] ORDER
REGARDING SCHEDULE FOR
MOTIONS TO DISMISS PENDING
CASES**

Courtroom: 12
Judge: Hon. Mariana R. Pfaelzer

1 PUTNAM BANK, Individually and
2 on Behalf of All Others Similarly
3 Situated,

4 Plaintiff,

5 v.

6 COUNTRYWIDE FINANCIAL
7 CORPORATION, *et al.*,

8 Defendants.

Case No. 11-CV-04698-MRP (MANx)

9 BANKERS INSURANCE
10 COMPANY, *et al.*,

11 Plaintiffs,

12 v.

13 COUNTRYWIDE FINANCIAL
14 CORPORATION, *et al.*,

15 Defendants.

Case No. 11-CV-07152-MRP (MANx)

16 THRIVENT FINANCIAL FOR
17 LUTHERANS, *et al.*

18 Plaintiff,

19 v.

20 COUNTRYWIDE FINANCIAL
21 CORPORATION, *et al.*,

22 Defendants.

Case No. 11-CV-07154-MRP (MANx)

23 STERLING FEDERAL BANK,
24 F.S.B.,

25 Plaintiff,

26 v.

27 COUNTRYWIDE FINANCIAL
28 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07163-MRP (MANx)

DEXIA HOLDINGS, INC., *et al.*,

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07165-MRP (MANx)

WESTERN AND SOUTHERN LIFE
INSURANCE COMPANY, *et al.*,

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07166-MRP (MANx)

AMERICAN FIDELITY
ASSURANCE COMPANY

Plaintiff,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07167-MRP (MANx)

1 Upon consideration of the parties' Stipulation Regarding Schedule for
2 Motions to Dismiss Pending Cases, it is hereby ORDERED that:

3 1. in *Dexia Holdings, Inc., et al. v. Countrywide Financial Corporation,*
4 *et al.*, Case No. 11-CV-07165-MRP (MANx) ("*Dexia*") may serve and file
5 supplemental briefs not exceeding 10 pages per side in support of or in opposition to
6 the pending motion to remand.

7 2. The hearing on Plaintiffs' motion to remand in *Dexia* shall be on
8 November 10, 2011. Should the Court deny the motion to remand, the hearing on
9 Defendants' motions to dismiss shall be on January 26, 2012.

10 3. No later than November 4, 2011, each defendant in *Thrivent Financial*
11 *for Lutherans, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-
12 07154-MRP (MANx) ("*Thrivent*") may either: (i) submit a brief supplementing its
13 motion to dismiss of up to 10 pages or (ii) withdraw its pending motion papers and
14 re-file motion papers with a brief no longer than the word count of the brief that it
15 previously filed.

16 4. Plaintiffs in *Thrivent* shall serve and file their opposition papers no later
17 than December 15, 2011.

18 5. Defendants in *Thrivent* shall serve and file their reply papers no later
19 than January 12, 2012.

20 6. The hearing on Defendants' motions to dismiss in *Thrivent* shall be on
21 January 26, 2012, together with the hearing on Defendants' motions to dismiss in
22 *Dexia* (if not remanded).

23 7. Plaintiffs in *Western and Southern Life Insurance Company, et al. v.*
24 *Countrywide Financial Corporation, et al.*, Case No. 11-CV-07166-MRP (MANx)
25 ("*WSLIC*") shall serve and file their amended complaint no later than November 7,
26 2011.

8. Defendants shall serve and file any consolidated motions to dismiss addressing arguments for dismissal of the claims in *Putnam Bank v. Countrywide Financial Corporation*, No. 11-CV-04698-MRP (MANx) (“*Putnam*”), *Bankers Insurance Company, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07152-MRP (MANx) (“*Bankers*”), *Sterling Federal Bank, F.S.B. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07163-MRP (MANx) (“*Sterling*”), *WSLIC*, and *American Fidelity Assurance Company v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07167-MRP (MANx) (“*AFAC*”) based on jurisdiction, venue, and the applicable statutes of limitations and repose no later than December 7, 2011.

9. Plaintiffs shall serve and file any opposition papers to the consolidated motions to dismiss claims in *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC* based on jurisdiction, venue, and the applicable statutes of limitations and repose no later than January 13, 2012.

10. Defendants shall serve and file consolidated reply papers in support of the consolidated motions to dismiss claims in *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC* based on jurisdiction, venue, and the applicable statutes of limitations and repose no later than February 3, 2012.

11. The hearing on Defendants’ consolidated motions to dismiss the federal law claims in *Putnam*, *WSLIC* and *AFAC* based on the applicable statutes of limitations and repose shall be on February 13, 2012.

12. The hearing on Defendants’ consolidated motions to dismiss in *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC*, based on jurisdiction and venue and, with respect to the state law claims, based on the applicable statutes of limitations and repose shall be on February 14, 2012. Defendants’ motions to dismiss will be considered a single motion under Federal Rule of Civil Procedure 12 such that, by filing motions to dismiss addressing only jurisdiction, venue, and whether Plaintiffs’

1 federal and state law claims are barred by the applicable statutes of limitations and
2 repose, Defendants do not waive, but expressly preserve, any and all arguments and
3 defenses. Accordingly, if any claims remain after the Court's disposition of the
4 motions to dismiss based on jurisdiction, venue and the applicable statutes of
5 limitations and repose, the parties shall confer on a further briefing schedule for the
6 remaining grounds for the motions to dismiss.

7 IT IS SO ORDERED.

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9 Dated: OCTOBER__, 2011

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HON. MARIANA R. PFAELZER
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the within action. My business address is 601 S. Figueroa Street, 41st Floor, Los Angeles, CA 90017.

On **October 21, 2011**, I served the following documents on the persons on the attached service list as follows:

[PROPOSED] ORDER re: STIPULATION REGARDING SCHEDULE FOR MOTIONS TO DISMISS PENDING CASES

- ☐ (MAIL) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Boston, MA.
- ☒ (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

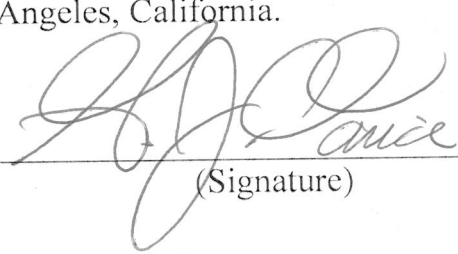
- 1 ☐ (EXPRESS MAIL) I placed the envelope for collection and mailing,
2 following our ordinary business practices. I am readily familiar with this
3 firm's practice for collecting and processing Express Mail for mailing. On
4 the same day that Express Mail is placed for collection and mailing, it is
5 deposited in the ordinary course of business with the United States Postal
6 Service, in a post office, mailbox, sub-post office, substation, mail chute, or
7 other like facility regularly maintained by the United States Postal Service
8 for receipt of Express Mail.
- 9 ☐ (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly
10 maintained by Federal Express , an express service carrier, or delivered to a
11 courier or driver authorized by said express service carrier to receive
12 documents, a true copy of the foregoing document in sealed envelopes or
13 packages designated by the express service carrier, addressed as stated
14 above, with fees for overnight delivery paid or provided for.
- 15 ☐ (MESSENGER SERVICE) I served the documents by placing them in an
16 envelope or package addressed to the persons at the addresses listed and
17 provided them to a professional messenger service for service. A separate
18 Personal Proof of Service provided by the professional messenger service
19 will be filed under separate cover.
- 20 ☐ (FACSIMILE) Based on an agreement of the parties to accept service by
21 fax transmission, I faxed the documents to the persons at the fax numbers
22 listed. No error was reported by the fax machine that I used. A copy of the
23 record of the fax transmission, which I printed out, is attached.
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1 ☐ (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or
2 an agreement of the parties to accept service by e-mail or electronic
3 transmission, I caused the documents to be sent to the persons at the e-mail
4 addresses listed. I did not receive, within a reasonable time after the
5 transmission, any electronic message or other indication that the
6 transmission was unsuccessful.

7 I declare under penalty of perjury that I am employed in the office of a
8 member of the bar of this Court at whose direction this service was made and that
the foregoing is true and correct.

9 Executed on **October 21, 2011**, at Los Angeles, California.

10
11 Gareth James Oania
12 (Type or print name)

13 
14 (Signature)

SERVICE LIST

<p>Matthew W. Close O'MELVENY AND MYERS 400 South Hope Street, 18th Floor Los Angeles, CA 90071-2899</p> <p>Jonathan Rosenberg (<i>pro hac vice</i>) William Sushon (<i>pro hac vice</i>) O'MELVENY & MYERS LLP Times Square Tower 7 Times Square New York, NY 10036 Telephone: 212-728-5693 Facsimile: 212-326-2061</p>	<p><i>Attorneys for Defendants</i> Bank of America Corp., BAC Home Loans Servicing, LP, and NB Holdings Corporation</p> <p>Tel: 213-430-6000 Fax: 213-430-6407 mclose@omm.com jrosenberg@omm.com wsushon@omm.com</p>
<p>David Siegel A. Matthew Ashley Allison L. Libeu IRELL & MANELLA LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, CA 90067-4276</p>	<p><i>Attorneys for Defendant</i> Angelo Mozilo</p> <p>Tel: 310-277-1010 Fax: 310-203-7199 dsiegel@irell.com mashley@irell.com alibeu@irell.com</p>
<p>Michael D. Torpey Penelope A. Graboys Blair ORRICK HERRINGTON AND SUTCLIFFE LLP 405 Howard Street San Francisco, CA 94105-2669</p> <p>Michael C. Tu ORRICK HERRINGTON AND SUTCLIFFE LLP 777 South Figueroa Street Suite 3200 Los Angeles, CA 90017</p>	<p><i>Attorneys for Defendant:</i> David A. Sambol</p> <p>Tel: 415-773-5700 Fax: 415-773-5759 mtorpey@orrick.com pgraboysblair@orrick.com</p> <p>Tel: 213-629-2020 Fax: 213-612-2499 mtu@orrick.com</p>
<p>Christopher G. Caldwell David C. Codell Jeffrey M. Hammer Eric S. Pettit CALDWELL LESLIE & PROCTOR, PC 1000 Wilshire Blvd Suite 600 Los Angeles, CA 90017</p>	<p><i>Attorneys for Defendant:</i> Stanford L. Kurland</p> <p>Tel : 213-629-9040 Fax: 213-629-9022 caldwell@caldwell-leslie.com codell@caldwell-leslie.com hammer@caldwell-leslie.com pettit@caldwell-leslie.com</p>

1	David A. Priebe Shirli Fabbri Weiss DLA PIPER LLP 2000 University Avenue East Palo Alto, CA 94303	<i>Attorneys for Defendant:</i> Eric P. Sieracki Tel: 650-833-2000 Fax: 650-833-2001 david.priebe@dlapiper.com shirli.weiss@dlapiper.com
2	Nicolas Morgan DLA PIPER LLP 1999 Avenue of the Stars, Suite 400 Los Angeles, CA 90067-6022	Tel: 310-595-3000 Fax: 310-595-3300 nicolas.morgan@dlapiper.com
3	Keara Gordon Anthony Gill DLA PIPER LLP 1251 Avenue of the Americas New York, NY 10020-1104	Tel: 212-335-4500 Fax: 212-335-4501 keara.gordon@dlapiper.com anthony.gill@dlapiper.com
4	Jennifer M. Sepic BINGHAM MCCUTCHEN LLP 355 South Grand Avenue Suite 4400 Los Angeles, CA 90071	<i>Attorneys for Defendant:</i> David A. Spector Tel: 213-680-6400 Fax: 213-680-6499 jennifer.sepic@bingham.com
5	Leiv H. Blad , Jr Zarema Arutyunova BINGHAM MCCUTCHEN LLP 2020 K Street NW Washington, DC 20006-1806	Tel: 202-373-6564 Fax: 202-373-6001 leiv.blad@bingham.com zarema.arutyunova @bingham.com
6	Joshua G. Hamilton Peter Young Hoon Cho William F. Sullivan PAUL HASTINGS JANOFISKY AND WALKER LLP 515 South Flower Street 25th Fl Los Angeles, CA 90071-2228	<i>Attorneys for Defendants:</i> Ranjit Kripalani, Jennifer S. Sandefur, Tel: 213-683-6 Fax: 213-627-0 joshuahamilton@paulhastings. petercho@paulhastings. williamsullivan@paulhastings.com
7	Anne L. Box SCOTT & SCOTT LLP 6424 Santa Monica Boulevard Los Angeles, CA 90038	<i>Attorneys for Plaintiff</i> Putnam Bank
8	David R. Scott Amanda F. Lawrence SCOTT & SCOTT LLP 156 South Main Street Colchester, CT 06415 Telephone: 860-537-5537	Tel: 213-985-1274 Fax: 213-985-1278 abox@scott-scott.com drscott@scott-scott.com alawrence@scott-scott.com

Brian R. Kopelowitz, Esq.
Jason H. Alperstein, Esq.
KOPELOWITZ OSTROW
Ferguson Weiselberg Keechl
200 S.W. First Avenue, 12th Floor
Fort Lauderdale, FL 33301

Attorneys for Plaintiffs
Bankers Insurance Company, Bankers
Life Insurance Company, First
Community Insurance Company,
Bankers Specialty Insurance Company,
and Sterling Federal Bank, F.S.B.

kopelowitz@kolawyers.com
alperstein@kolawyers.com
Tel: 954-525-4100
Fax: 954-525-4300

Gerald H. Silk
David L. Wales
Jai K. Chandrasekhar
Lauren A. McMillen
**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**
1285 Avenue of the Americas, 38th Floor
New York, NY 10019

Attorneys for Plaintiffs
Thrivent Financial for Lutherans,
Thrivent Life Insurance Company,
Thrivent Balanced Fund, Thrivent Core
Bond Fund, Thrivent Income Fund,
Thrivent Limited Maturity Bondfund,
Thrivent Balanced Portfolio, Thrivent
Bond Index Portfolio, Thrivent Limited
Maturity Bond Portfolio, Thrivent
Financial Defined Benefits Plan Trust,
Thrivent Financial For Lutherans
Foundation, Plaintiffs Dexia Holdings,
Inc., FSA Asset Management LLC,
Dexia Crédit Local, New York Branch,
New York Life Insurance Co., New York
Life Insurance and Annuity Corp., The
MainStay Funds, MainStay VP Series
Fund, Inc., Teachers Insurance and
Annuity Association of America, TIAA-
CREF Life Insurance Co., TIAA Global
Markets, Inc., College Retirement
Equities Fund, and the TIAA-CREF
Funds

Blair Nicholas
**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**
12481 High Bluff Drive, Suite 300
San Diego, CA 92130

jerry@blbglaw.com
dwales@blbglaw.com
jai@blbglaw.com
lauren@blbgl.w.com
blairn@blbglaw.com
Tel: (858) 793-0070
Fax: (858) 793-0323

Brian C. Lysaght
LYSAGHT LAW GROUP
12021 Wilshire Boulevard
Los Angeles, California 90025

Attorneys for Plaintiffs
Western and Southern Life
Insurance Company, Western-Southern
Life Assurance Company, Columbus
Life Insurance Company, Integrity Life
Insurance Company, National Integrity
Life Insurance Company, Fort
Washington Investment Advisors, Inc. *on*
behalf of Fort Washington Active Fixed

1 2 3 4 5	David H. Wollmuth Vincent T. Chang Steven S. Fitzgerald WOLLMUTH MAHER & DEUTSCH LLP 500 Fifth Avenue, 12 th Floor New York, NY 10036	Income, LLC <i>lysaghtlaw@hotmail.com</i> <i>dwoollmuth@wmd-law.com</i> <i>vchang@wmd-law.com</i> <i>sfitzgerald@wmd-law.com</i> Tel: (310) 567-1111 Fax: (310) 472-0243
6 7 8 9 10	William B. Federman Stuart W. Emmons Jennifer F. Sherrill FEDERMAN & SHERWOOD 10205 North Pennsylvania Ave. Oklahoma City, OK 73120	<i>Attorneys for Plaintiff</i> American Fidelity Assurance Company <i>wbf@federmanlaw.com</i> <i>swe@federmanlaw.com</i> <i>jfs@federmanlaw.com</i> Tel.: 405-235-1560 Fax: 405-239-2112

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